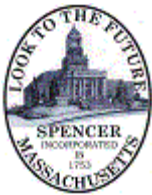


# Conservation Commission – Town of Spencer

## *Minutes*

# DRAFT



Conservation Commission Meeting  
Wednesday, February 26, 2014 at 7:00 PM  
Town Hall, McCourt Social Hall

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The Meeting was opened at 7 p.m.

Commissioners Present: Mary McLaughlin, Warren Snow, Dana Reed, Margaret Emerson, Brian Roode

Staff present: Margaret Washburn

**Minutes Approved:** February 12, 2014 – *A motion to approve the minutes as amended (Reed/Emerson) passed 5/0.*

**Signed:** Continuance form, 10 and 12 Sherman Grove  
Continuance form, 40 South Spencer Road

**7:15 p.m. Opened the Continuation of Public Hearing for Notice of Intent for Doug Cutler**

**Property: 10 Sherman Grove, Spencer, MA DEP#293-0819**

*At the request of the applicant, the hearing has been continued to March 12, 2014.*

**7:16 p.m. Opened the Continuation of Public Hearing for Notice of Intent for Doug Cutler**

**Property: 12 Sherman Grove, Spencer, MA DEP#293-0820**

*At the request of the applicant, the hearing has been continued to March 12, 2014.*

**7:17 p.m. Opened the Continuation of Public Hearing for Notice of Intent for Kristian Rondeau**

**Property: 40 South Spencer Road, Spencer, MA DEP#293-0822**

*At the request of the applicant, the hearing has been continued to March 12, 2014.*

**7:18 p.m. Opened the Public Hearing for Notice of Intent for Paul Dansereau**

**Property: 40 Point Eastalee Drive, Spencer, MA DEP#293-0823**

Mr. Don Frydryk, from Sherman and Frydryk Land Surveying and Engineering, said this filing is in response to an Enforcement Order that was issued. They are proposing to finish the construction of a partially built wall. Also, they are proposing to install two narrow strips of pervious pavers that go down to the 100-year flood plain line to get a boat in and out of the water. The area will be loamed, seeded and covered with protective

netting for erosion control. Mr. Frydryk said there is no well-defined bank, but a sandy beach. A wetland consultant from Pioneer Environmental saw no obvious break in the slope. Mr. Frydryk explained the elevation plan to the Commission.

Ms. Washburn said when she met with Mr. Dansereau, he said he would be willing to consider moving the wall back further away from Sugden Reservoir since a portion of the proposed wall appears to be shown as less than a foot from the Bank. Mr. Dansereau had said that the boat will only be put in the water once and taken out of the water once for the summer. The ramp will not be used often. Mr. Frydryk said with the installation of the wall, the pads and the milder slope for the boat ramp, it just about eliminates the steep slope and the area will be more stable over time.

*A motion to close the public hearing (Snow/Emerson) passed 5/0.*

*A motion to accept plan as submitted (Snow/Reed) passed 5/0, Order of Conditions to be issued.*

### **Other Business:**

**Clark Road:** Mr. Bob Murphy, representing Ralph Williamson, said they went out to the site and did some digging and tried to find the line where the edge of the former wetland was. Mr. Murphy did come up with an approximate line. Mr. Murphy would like to go back in late spring and remove the fill that is there. While removing the fill, they can keep digging until they find the edge of the hydric soil. Mr. Murphy said they would like to seed the wetland with a “logging mix”. Ms. Washburn feels the mix will not do well in hydric soils.

Ms. Washburn said at the last meeting, Mr. Murphy had said there was 1,500 sf of fill that was disturbed. The current plan only shows 550 sf of fill disturbed. Mr. Murphy said when the area is exposed they will have a much better idea of what was disturbed. Ms. Washburn said she would like to be there when the excavation is being done. Mr. Murphy said they would like dig roughly 15 feet past the edge of the wetlands so there is some buffer zone.

The following notes must be added to the plan:

- During excavation, a competent wetland scientist will be on site.
- Contractor and contractor information must be on the plan.
- No side slopes steeper than 3:1 will be constructed.
- If there is no silt fence, the silt fence wording must be taken off the plan.
- A 2<sup>nd</sup> row of wattles will be installed at the edge of the exposed resource area.
- The legend and erosion controls must match.
- ESC will be installed and inspected before any other work can take place.
- Monitoring reports regarding invasive species control/removal must be submitted on June 30, 2014 and September 30, 2014.

Mr. Murphy said he will submit revised plans by March 12<sup>th</sup>. There will be no digging after the remediation plan has been approved and the ESCs have been inspected.

**Deer Run, Harrington Developments:** Attorney Meloche and Mr. Michael Harrington were supposed to attend tonight's meeting. They were not present. Ms. Washburn said as far as she can tell, the timeline for Deer Run, Phase 2 is as follows:

- Order of Condition was issued 4/27/06 to expire 4/27/09.
- Extended on 4/8/09 to expire 10/9/09.
- Qualified for 2-yr legislative extension to expire on 10/9/11.
- Extended on 9/28/11 to expire on 10/8/12.
- Qualified for second 2-yr legislative extension to expire on 10/8/14.

Ms. Washburn said the town holds all the lots in Deer Run Phase 2, formerly owned by Mr. Harrington, under Tax Title. According to Mary Barrell, Town Treasurer, Mr. Harrington asked her to approach the selectmen about getting them to vote to let him buy the land back.

Ms. Ginny Scarlet suggested to the Commission that they put an article on the Town Warrant to have Area B made Conservation Land. It will be a vote by town to be held as "Conservation Land" which will be municipal land protected by the article.

Ms. Washburn will get a letter to the selectmen before April 1<sup>st</sup>. She will ask Brenda Savoie what the deadline is to get an article on the warrant.

**March 10<sup>th</sup> Board of Selectmen Meeting:** Ms. Washburn told the Commission that she was told to attend the meeting to answer any questions about her position. Ms. Scarlet said the Conservation Commission gives permission to the Selectmen of how to spend the DEP filing fees. This money is set aside in a separate account for administration of the Wetlands Protection Act (WPA). Ms. Washburn's work counts as part of the administration of the WPA. If there is no functioning Conservation Commission, the Board of Selectmen has to take on the work. Ms. Scarlet said the Commission needs to get across to the Selectmen that the hours of Ms. Washburn's job are not sufficient.

**Depot Trail Grant:** Mr. Reed inquired when the State will make the decision about the grant. Ms. Washburn said the State will decide this March who will get the grant. Ms. Scarlet said after the State makes their decision, it then goes to the Federal Government. The Commission will find out in October, 2014 if the grant will be awarded to them and will then get the grant money in March, 2015.

Mr. Snow said he will not be at the March 12<sup>th</sup> meeting.

New Applications: None

*A motion to adjourn the meeting at 9:37p.m. (Snow/Emerson) passed 5/0.*

Respectfully submitted by:

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Lisa Daoust, Senior Clerk  
Development & Inspectional Services

Documents reviewed at the 2/12/14 Spencer Conservation Commission meeting:

Agenda for the 2/26/14 meeting

Minutes from the 2/12/14 Spencer Conservation Commission meeting (approved as amended)

Margaret's report dated 2/26/14

Continuance form for 10 and 12 Sherman Grove (signed)

Continuance form for 40 South Spencer Road (signed)

NOI file for 40 Point Eastalee Drive

Enforcement Order file for Clark Road (U27-73, Ralph Williamson)